

**Town of Brookline**  
**Surveillance Technology and Military-Type Equipment Study Committee**  
Bernard Greene, Chair **Date:** Aug 27, 2020

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**Committee members present:**

Bernard Greene, Chair  
C. Scott Ananian  
Sal D'Agostino  
Lt. Paul Campbell  
Susan Howards  
Amy Hummel  
Feng Yang (Acting CIO for Brookline, designee for Kevin Stokes)  
Sgt. Casey Hatchett

**Non-committee members present:**

Emiliano Falcon, ACLU  
Officer Scott Wilder, Director of Technology for Brookline Police  
Detective Carlos Crespo, Special Response Team (SRT) for Brookline Police Dept

**Committee members absent:**

Igor Muravyov

Committee member Ananian agreed to take minutes.

**Discussion:**

1. Voted to approve minutes from 2020-07-30, with two corrections from Hummel:
  - a. Discussion of vendor in 6d was incorrect; phrase removed
  - b. "Warrant Article 25" used to describe WA in 7d.
2. **Action Item:** D'Agostino will add an example regarding schools to his safety-vs-privacy document, he will work with Sgt. Hatchett to circulate a copy before our public hearing.
3. The committee reviewed the report on police use of military-type equipment.
  - a. **Action item:** Sgt. Hatchett will send updated pictures of BPD equipment to chair Greene
  - b. Detective Crespo answered questions related to the Special Response Team equipment:
    - i. Camouflage BDUs originally used for training, now use a black or green uniform.
    - ii. The Armorer is in charge of disposal of military type equipment. For example, the beanbag shotguns were removed and replaced with 40mm foam launcher. (With the shotgun we had to make sure the person was 12' away before firing; the 40mm allows us to be as close as 5'.) Armorer reported that the beanbag weapons are still in the department, but locked in a safe.

- c. Sgt. Hatchett described her experience obtaining surplus equipment for Community Emergency Response Team (CERT) volunteers: Boston acquired materials (hard hats and goggles and t-shirts and bright green jumpsuits for volunteers, not military-type equipment) but never got their CERT program off the ground. They notified other CERT team leaders in surrounding communities. There was no formal process; these transfers are rare.
- d. Chair Greene: we should have a policy for de-accessing material, so we know where it went.
- e. Lt. Campbell: This is included in our Larimore property tracking system. The armorer does monthly inspections, but not after something goes out of service. Chair Greene suggests an **action item** for Lt Campbell to track down the policy here, if one exists. Lt Campbell replied that he hadn't seen a policy on decommissioning, but there may be a special order.
- f. Lt. Campbell: we don't closely track uniforms because they are generally bought by officers with their own money (out of a uniform allowance).
- g. D'Agostino: organizations generally a disposal policy. This can help identify opportunities for reuse of materials. (Although not for weapons!)
- h. Chair Greene: All Town departments should have policies of this nature.
- i. Officer Wilder: old laptops etc go to purchasing and they put a bid out. Purchasing has rules for property disposal.
- j. Ananian: in addition to policies for disposal, there should be a basic policy for acquisition as well; at least a bright line for what sorts of gifts require explicit approval, and by whom. We don't need to have an elaborate process to accept t-shirts, but we should have a written policy to distinguish between these cases and (say) military-type equipment or riot gear, which should require a formal process (or ban)
- k. Hummel: The TM condition of appropriation from June also anticipated the BPD adding a formal policy for riot gear before the condition of appropriation expires at the end of the fiscal year. Hummel would like to see Surveillance equipment added to this policy as well.
- l. Chair Greene: how do we incorporate this discussion into the report? **Action item:** Lt. Campbell, can you incorporate this into the report? Ananian: perhaps a "next steps" section, discussing existing policies (or lack thereof) and then recommendations for making or amending policies for acquisition and disposal.
- m. Ananian: Cambridge found itself with a quite large stockpile of M-4s (64!), due to a policy that assigns each SRT member their own weapon. What is our policy for SRT team weapons?
- n. Det. Crespo: Each member has their own weapon assigned, which is zeroed to your eyesight. When members leave, they are returned to the armory and then reissued to new members. We use AR-15s. (Ananian: our SRT inventory from June 2019 lists M-4s. Lt. Campbell: those are M-4 magazines, not rifles.) Our AR-15s aren't fully-automatic. SRT team is nominally 20 members, so we have

at least 20 AR-15s, although we only have 18 members of the team right now. We use 20-round magazines.

- o. Ananian: could you describe the use of the flashbang grenades and tear gas canisters? Det. Crespo: flashbangs are distraction device, hopefully the target is closing their eyes for a moment which allows police an opportunity to enter the room. Det. Crespo: tear gas is for dispersing a crowd.
  - p. Discussion of the differences between “tear gas”, “OC vapor” and “CS gas”
  - q. Ananian: why do we have 13 of the flash bang grenades and OC vapor? Det. Crespo: these are not issued to individual team members, we just have a box of them.
  - r. Ananian: our inventory lists sniper rifles, with rifle-mountable IR lasers. Our 2019 annual report indicated that the SRT team was activated exactly once, for the Boston marathon, and said, “This security plan included long range overwatch positions”. Are those the snipers? Can you explain how the BPD uses snipers?
  - s. Det. Crespo: Snipers were introduced a few years ago. Overwatching an apartment building or a house. If the person is about to kill a hostage, the sniper who has a different vantage point can take immediate action. Snipers train monthly. Currently 3 snipers and 3 rifles. SRT deployments include our crisis negotiation team (not counted in the 18 SRT members); we co-train.
- 4. Discussion of app policy. **Action item:** D’Agostino, Yang, and Ananian will work on drafting an app policy report.
  - 5. Hummel: suggests that we meet immediately prior to public hearing to discuss these late draft documents. Chair Greene: we need to distribute these drafts well in advance so that the public can give their comments.
  - 6. Report section on the Facial Surveillance ban.
    - a. Ananian proposed an amendment to describe the state-level action: **“Municipal Law Unit Review** On July 17, 2020 the Attorney General’s Municipal Law Unit reviewed and approved Article 25 as passed by Town Meeting. The review noted that “there are several bills pending in the State Legislature pertaining to the use of face surveillance systems” and cautioned the Town to “ensure that the Town’s by-law is applied consistent with any state-wide statute on this issue” were a state-wide bill to be passed.” The committee accepted this amendment.
    - b. Chair Greene: I suggest an additional footnote, to the effect that the facial recognition bylaw would apply to body cameras as well as cruiser cameras as well.
    - c. Hummel: I’d like to add to the next steps a recommendation for training materials, including for the public
    - d. D’Agostino: There are a set of principles related to facial recognition by the EU which might be worth a reference. **Action item:** will forward to committee
    - e. Chair Greene: these documents for the public hearing are drafts, we will come up with consistent section naming and recommendations for the final version.
  - 7. Report on Body cameras:

- a. Chair Greene: body cameras are among the issues being negotiated between the Select Board and the Police Union. I can't say much about that. The body camera issue includes two things: 1) the equipment itself, and 2) the rules under which they will be used. We can distribute those rules and people can comment on that. As the negotiation proceeds we can discuss that in more detail.
  - b. Hummel: Storage and retention of the footage, who has access to it, and all the implications are also of great interest to the community.
  - c. Ananian: I'd recommend a process, rather than negotiating an end result. I observed closely the Boston pilot and saw a robust feedback process during the initial pilot that led to refinements in the policy from both community and police side.
  - d. D'Agostino: some links:
    - i. Justice Department:  
<https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>
    - ii. UK: <https://videosurveillance.blog.gov.uk/tag/body-worn-video/>
    - iii. Boston:  
<https://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/5cf18114f7532f00014abba7/1559331092720/Rule405.pdf>
  - e. Officer Wilder: agree with Hummel there is no ideal storage solution. He too has concerns about storing the footage in the cloud rather than having it on a hard drive we control, but that we would likely not be able to afford to store and retain the data locally. Cloud storage that we would use would be approved by the Criminal and Juvenile Justice Information Systems Council (CJJIS).
    - i. D'Agostino provided a link:  
<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>
8. Town cameras
- a. Hummel: the building department does not have a camera policy - they install them when/where they are asked to according to Charlie Simmons. The footage is stored off-site with the provider, and Charlie can access it or provide access if anyone needs it.
  - b. Officer Wilder: Lantel (sp?) is the vendor.
  - c. Officer Wilder: will send the list of cameras in the police dept
  - d. D'Agostino: would also like to know what video management system is being used
  - e. Chair Greene: got the list from Wilder, will send it to the committee
  - f. D'Agostino: how do we get the list of cameras in other departments -- schools and elsewhere. (Hummel: 240 additional cameras not part of the police department. We could ask for a policy to document reasons and list. We've ended up with 240 somehow and no oversight.)
  - g. D'Agostino: the management contract would be interesting to look at as well.
  - h. **Action item:** Hummel: will contact Charlie Simmons and forward the information to the committee (place, purpose, and contract details for the cameras)

- i. Chair Greene: **Action item** for Hummel: we need an outline of where we should go with our policy and our review on the camera issue. Give us some guidance on where we go next. What are the questions we want to answer, and what do we want to produce in terms of our report, and why this is important.
  - j. Chair Greene/Howards: joint meeting with CIMS committee and the Chief might be worthwhile to walk the surveillance committee members through the CIMS policies and processes wrt traffic cameras.
  - k. Chair Greene: wrt privately-owned cameras: we need to define what our policy is regarding access by police and fire to those cameras, and we should communicate to the public about their legal rights and responsibilities.
  - l. Hummel: neighbors should realize what they are doing
  - m. Ananian: stepping back, outline for camera report: first division is public/Town cameras -vs- private cameras. Within the public/Town cameras, there are a couple of big groups: CIMS, schools, BPD. Deep dive into these groups to understand their processes and policies (bring in CIMS, bring in folk from schools), and then the committee should synthesize these policies, extracting best practices and plugging gaps where we don't have policies or we find improvements can be made.
9. Best practices guidance for the public for their private cameras
- a. D'Agostino: I have an unlimited amount of materials on this topic. I'd like some guidance from the committee on what we want to accomplish with this guidance.
  - b. Hummel: there should be policies about Town access to private cameras as well.
  - c. D'Agostino: proper use: "don't point your camera in your neighbor's bedroom",
10. Reimagining and reform committees:
- a. Former Chief O'Leary will be involved with both
  - b. Recordings of meetings of reform community will be broadcast on youtube
  - c. **Action item**: Ananian will mail to the committee links to the youtube recordings as well as brookONline links to subscribe to meeting notifications, etc.
11. Noticing for the upcoming public hearing:
- a. Devon will post online to notice the public hearing, in a variety of social media
  - b. Chair Greene and Yang and Ananian: **Action item** to organizing materials for the website before the meeting is posted.

**Follow up items (in addition to items assigned above):**

- 1. Public hearing Wed Sep 16 at 7:00pm on the following four draft sections:
  - a. Privacy-vs-security
  - b. Military-type equipment
  - c. Facial recognition
  - d. Computer security and privacy principles